

9200/1635

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.



BY: James M. Alway

DATE: July 28, 2003
MAIL STOP PETITION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of
Thomas Maciag, et al.

: Group Art Unit: 1635

10

Appln. No.: 10/022,554

: Examiner: Jon E. Angell

Filed: February 24, 2000

: Attorney Docket No. 54474-5005
(53689-5023)

For: COMPOSITIONS, METHODS AND KITS
RELATING TO THROMBIN
DEGRADATION RESISTANT FIBROBLAST
GROWTH FACTOR-1

RECEIVED
AUG 04 2003
TECH CENTER 1600/2800

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. §1.181
RESTRICTION REQUIREMENT NOT RECEIVED**

This Petition is hereby made to the Commissioner to withdraw the holding of abandonment in the above-captioned application. A Notice of Abandonment dated July 1, 2003, copy of which is enclosed, was received on July 3, 2003, stating that Applicants failed to respond to the Restriction Requirement mailed on November 6, 2002. Applicants respectfully submit that the Restriction Requirement was never received by Applicants' undersigned representatives ("Petitioners" herein), and that the holding of abandonment should therefore be withdrawn under 37 C.F.R. §1.181 and pursuant to MPEP §711.03(c) based on failure to receive the office action. This Petition is being timely filed.

Petitioners hereby declare that:

1. On February 7, 2002, a filing receipt and a Notice to File Missing Parts dated January 31, 2002 were received by Petitioners from the PTO.
2. On February 19, 2002, Petitioners filed a response to the Notice to File Missing Parts.
3. On February 25, 2002, Petitioners filed a Request for Corrected Filing Receipt.
4. On March 5, 2002, Petitioners filed an Information Disclosure Statement, Form PTO-1449, and

attendant references.

5. On March 29, 2002, Petitioners received a corrected filing receipt from the PTO dated March 25, 2002. On April 4, Petitioners received another corrected filing receipt from the PTO dated April 1, 2003.
6. A thorough search of the file jacket demonstrated that with the exception of the above-referenced documents and the return receipt postcards, which are stamped to indicate that these documents were received by the PTO, the two filing receipts are the last correspondence originating from the PTO, which were received by Petitioners regarding the above-referenced application prior to receipt of the Notice of Abandonment dated July 1, 2003.
7. On or about June 23, 2003, Petitioners' undersigned representative, Raquel M. Alvarez, Esquire, contacted Examiner Angell to ascertain the status of the application. Examiner Angell informed Dr. Alvarez that the application would go abandoned for failure to respond to the restriction requirement.
8. Upon receipt of this information, and prior to receiving the official Notice of Abandonment on July 3, 2003, Petitioners reviewed a log of all incoming mail from the PTO for the pertinent period, *i.e.*, from November 8, 2002, through November 13, 2002, to definitively determine whether the Restriction Requirement had been received by Petitioners. That is, Petitioners' law firm, Morgan, Lewis & Bockius, LLP ("MLB"), maintains an "Incoming PTO Log," wherein all correspondence received from the PTO is routinely recorded. During the time period in question, an entry was made in the Incoming PTO Log for each piece of correspondence indicating the application number on the correspondence, the nature of the correspondence, the client matter number (attorney docket number), and the name or initials of the person to which the correspondence was routed. Docketing information was then recorded in MLB's automated docketing system for a response, including any response deadline(s) pertaining to each piece of correspondence, for the attention of the responsible attorney. If a document does not appear on the Incoming PTO Log, there is no possibility that it was received or docketed by Petitioners.
9. A copy of the MLB Incoming PTO Log for the period from November 8, 2002, through November 13, 2002, is attached as Exhibit A. This log demonstrates that Petitioners did not receive the office action in question because the Restriction Requirement would have been entered on the Incoming PTO Log had it been received and no such entry appears on the log.
10. Also attached is a copy of Petitioners' application computer docket report for the period of September 12, 2001, to present, for the above-captioned application, which is marked as Exhibit

B. The attached printout reflects all docketed matters for the application (Ser. No. 10/022,554), including during the period in question. The application computer docket report entries for the application (referenced by case number 53689-5023, which is previous case number 54474-5005) demonstrate that the Restriction Requirement was not received by Petitioners. This is because if a Restriction Requirement had been received, it would have been duly docketed in Petitioners' computer docketing system, which would have also provided a response period for the office action. That is, if the nonreceived action had been received and docketed, a record of the Restriction Requirement, and the deadline for a response thereto, would have appeared on this computer docket report. The fact that no such entry appears on the computer docket report further demonstrates that Petitioners never received the Restriction Requirement apparently sent by the PTO on November 6, 2002.

11. In addition, a search of the application file jacket was made and did not result in the paper in question being found. Based upon Petitioners' file jacket search, review of the PTO Incoming Log, and review of the computer docketing record, Petitioners believe and assert that the Restriction Requirement mailed on November 6, 2002, was never received.
12. In sum, Petitioners' review of the pages of Petitioners' MLB Incoming PTO Log for the period from November 8, 2002, through November 13, 2002, shows no indication of the receipt of a Restriction Requirement in the above-referenced application. Further, Petitioners' review of the computer docketing entries made during that same time period reveals no docketing entries corresponding to a response deadline for any Restriction Requirement for this application. If the Restriction Requirement had been received, it would have been indicated on these records. Additionally, a search of the file jacket demonstrated that the Restriction Requirement was not received by Petitioners. Thus, Petitioners respectfully submit that the Restriction Requirement was either never mailed or it was lost in the mail and that the facts averred herein amply support that the Restriction Requirement was not received by Petitioners and that the holding of abandonment should be withdrawn for failure to receive the office action.

Accordingly, it is respectfully requested that the holding of abandonment of this application be withdrawn and the above-captioned application (No. 10/022,554) be reinstated. Further, although Examiner Angell has kindly faxed Petitioners a courtesy copy of the original Restriction Requirement, it is respectfully requested that the Restriction Requirement be remailed to Petitioners and a new statutory period for response be set therefor.

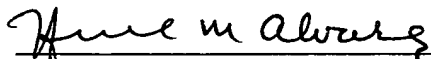
Petitioners believe that there is no fee required with respect to this Petition. However, in the event any fee is necessary, please charge such fee to Deposit Account No. 50-0310 (Internal Billing No. 53689-5023).

Respectfully submitted,

THOMAS MACIAG, ET AL.

July 28, 2003
(Date)

By:


RAQUEL M. ALVAREZ, Ph.D., J.D.
Registration No. 45,807
MORGAN, LEWIS & BOCKIUS, LLP
1701 Market Street
Philadelphia, PA 19103-2921
Telephone: (215) 963-5000
Direct Dial: (215) 963-5403
Facsimile: (215) 963-5001
E-Mail: ralvarez@morganlewis.com
Attorney for Applicants

/dp

Enclosures:

Exhibit A – Copy of MLB's Incoming PTO Log from November 8, 2002 through November 13, 2002

Exhibit B – Copy of Application Computer Docket Report from September 12, 2001 to present

Copy of Notice of Abandonment, dated July 1, 2003

PHILADELPHIA INCOMING PTO LOG

EXHIBIT

A

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/18			<p>Fax Vergea</p> <p>Confidentiality Agent</p> <p>Orthogen & Vergea</p> <p>LWB</p>	
		53467 5003 CN	<p>Fax from Assoc</p> <p>Can not amend, deadline past</p> <p>amend after first OA</p> <p>DHC</p>	
		53467 5007 PAC	<p>Fax from Assoc</p> <p>will present 39 new claims in</p> <p>absence of prot. prior to 11/25</p> <p>DHC</p>	
		54754 5001	<p>Registered Mail</p> <p>signed dec 1 + pax all members</p> <p>signed assign all members</p> <p>LWB</p>	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/8	08957258		Copy copy of 1031 - supplementary partial search report LD	
	14151231		PTO - 3mo final dated 11/5/02	
	09/05/02 101070		PTO - 3m OA dated 7/31/02 Comments from examiner as dated 7/29/02 ear stamped 11/5/02 DHC att. from Schweigart 10215435 copies of MR, Det + PDA, Assignmt + Seq listing filed LD	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/8	oversight		ltr. from Schweyer 10/24/51 copy of FR	
	oversight		ltr. from Fulbright copy of OA for Canadian No. 2, 131, 170	KD
		57624 5001 PR	Executed doco assgmt & drawings	KD
	PT 11/5/52/102096		PT - notification of change of address	KJD
				LWB

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/8	60/372, 039		PTO - Thumped received copy of Reg. for Corrected Notice of Recodation AP	
	60/372, 039		_____	
	980460043		10/29/02 ltr from Assoc forwarded from Alvin. Assoc ltr to Shueygan re Budgets Elapgh RD	
	overseas #	UAC 00089	Ltr from Smart + Beggar Copy of Assoc provided for announcements Frank, Germany, Ireland & GB (trans.)	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/18			Mr. from Rockefeller Univ. histog procedures	
			Mr. from Rockefeller re RU 630 - non disclosure	
			Tray from Thermedics Tony Weder Invention Disclosure	
			CWB	
			Tray: Kim & Chang re: present to office	
			KA	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/8		54756 5001 EP I	Fax - Copy of 11/7 part to public info & file by 11/8 deadline LWB	
11/11/02			Fed Ex from GMAC mortgage VFB	
			Fed Ex from Arrow C/H	
			FedEx from Sporey KID	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/11/62			Fed Ex from Carter	
			GHG	
	2,121,332		ltr from AACAC confirming rsp to OA as filed	
			DHG	
	10629615		notice of publication	
			VD	
	091842.216		"	
			"	
			DHG	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/11/62	10/645,992		notice of publication	
			CD	
			signed ltr from new counsel	
			acknowledging rpt of docs	
			JS	
			urgent ltr re American	
			Red Cross	
			CD	
			urgent ltr re	
			American Red Cross	
			CD	

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/1/62	691901, 956		notice of publication	
			RD	
	10/166, 332		DH5	
	691841, 131		DH5	
	691842, 266		DH5	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/11/62	10/192,193		Agent recordal	
			VD	
			"	
			"	
			"	
			VD	
			"	
			"	
			"	
			VD	
			DET notice of rpt of demand in to correct defects in demand	
			DHS	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/11/02		53844- 50060A	LT from GPOC reg agent due 4/29/03 (not hard date)	
	612231167		PTD rap to reg for correction re discrepancy found in 01.29 line 58 claim 21- additional errors will be corrected (KR)	
	011072460		LT from Robinson's reg instructions re due charge	
			WBA	
	per 1002 1000		PCI notice informing applicant of communication of intl expm to designated offices & publication	
			DTB	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/11/02	pet 100011 641003		Corrected Publication RD	
	pet 100012 28539		PET notice concerning submission or transmittal of priority doc DHS	
	62163283.1		ltr from aacc enclosing publication - protection in HR due 4/2/03 YRS	
	991794		conf copy of 10/21/02 for RE. divisions RD	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/11/02	01126359.7	54756 5001 501	URGENT 1A from CCCCC Encl. draft rep & reg instructions (conf copy) J KWB	
11/2/02	per 10001 34820		PCT 1PER (from DC)	
	09/579,504		3 no AT + notice to Comply reg listing KD	
	09/917,555		URGENT 1A RE: CUBA'S UNIVERSITY KD	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/2/62	0191449.0		ltr from a500C Confirming filing of seg. listing	
			LD	
	11748		ltr from a500C Confirming Payment of annuity; next due 1/7/64	
			DHG	
	pet/6002/29539		PCT notice of receipt of record copy	
			DHG	
			"	
	pet/6002/63856		"	
			LD	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged in By With EXT
09/11/11	10001208 unfile		PTA notice of receipt of rec'd copy and	
	2,365,275		Ltr from AACC instructing annuity due 12/4/03 - ref instructions KRS	
		538445 5008 CPA	AACC ltr re annuity due 2/9/03 KD	
			Ltr from SPS requesting copies of transferred optronx files DHB	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/12/02			lt from Toward + Toward Confirming receipt of transferred files TB	
	PCT 10021 12564		PCT notice informing applicant of communication of intl app'n to des. offices of Publication KO	
	691842.269		notice of publication ABW	
	PCT 110021 67856		PCT notice of receipt of reced copy - Australian Patent OFFICE hwb	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/2/02	10511967		Ltr from APOC Confirming instructions to file Divisional	
			WMB	
	10511967		PTO notice Concerning submission of Priority Document	
			WMB	
			Cert of Correction	
			WMB	
			URS	
			Ltr from APOC Confirming instruction to abandon appln	
			WMB	

PHILADELPHIA INCOMING PTO LOG

DATE and TIME	SERIAL NO.	DOCKET NO. (Our Reference)	DESCRIPTION OF MAIL	Logged In By With EXT
11/12/02	9491983.4	53665- 5003 EP	let from a2000 EACI. Granted patent	
11/13/02	9331834		Fax from a2000 EACI. EXAMINER'S Objections, rdp due 1/8/03 instructions by 12/16/02	
11/13/02	69110,097		rdp to Status Inquiry rcd from DC	
11/13/02	691784,291		KRT Issue Notification rcd from DC	
			DHB	

Country Application

22-Jul-03

Case Number: 53689-5023**SubCase:****Location:** PH Philadelphia Office**Client:** 53689 Maine Medical Center Research Institute**Country:** US United States of America**CtrySub:****Title:** COMPOSITIONS, METHODS AND KITS RELATING TO
THROMBIN DEGRADATION RESISTANT FIBROBLAST
GROWTH FACTOR-1**Case Type:** ORD**Application Status:** Pending**Application Number:** 10/022,554**Filing Date:** 17-Dec-2001**Patent Number:****Issue Date:****Publication Number:****Publication Date:****Priority Number:****Priority Date:****Inv.Priority Number:****Expiration Date:****Client Ref #:****Tax:** SE**Agent:****Agent Reference Number:****List Of User Actions**

Action(s) Du	Due Date		Action Taken
Application Due - 2 weeks	13-Sep-2001	Reminder	12-Sep-2001
Application Due - 1 week	20-Sep-2001	Reminder	20-Sep-2001
File Application - Tentative	30-Sep-2001	Due Date	28-Sep-2001
File Application - Tentative	30-Oct-2001	Due Date	30-Oct-2001
File Application - Tentative	30-Nov-2001	Due Date	30-Nov-2001
File Application - Tentative	30-Dec-2001	Due Date	17-Dec-2001
Missing Parts Received	03-Feb-2002	Reminder	19-Feb-2002
OFR Recd - 5 days ago	12-Feb-2002	Reminder	07-Feb-2002
Missing Parts Due - Tentative	17-Feb-2002	Status	07-Feb-2002
US-Assignment Filed	25-Feb-2002	Due Date	25-Feb-2002
Response Due-MP - 1 month	28-Feb-2002	Reminder	19-Feb-2002
OFR-Report to Client Due	28-Feb-2002	Due Date	07-Feb-2002
File Req for Corrected FR	12-Mar-2002	Due Date	25-Feb-2002
Response Due-MP - 2 weeks	14-Mar-2002	Reminder	19-Feb-2002
Information Disclosure Stmtnt	17-Mar-2002	Due Date	05-Mar-2002
Application Filed-FR Rec?	17-Mar-2002	Status	07-Feb-2002
Response Due-MP - 1 week	24-Mar-2002	Reminder	19-Feb-2002

Country Application

22-Jul-03

Response Due - MP	31-Mar-2002	Due Date	19-Feb-2002
1st EOT - 2 weeks	14-Apr-2002	Reminder	19-Feb-2002
1st EOT Due - 1 week	23-Apr-2002	Reminder	19-Feb-2002
MP 1st EOT Due	30-Apr-2002	Due Date	19-Feb-2002
2nd EOT - 2 weeks	14-May-2002	Reminder	19-Feb-2002
RA Received 5 days ago	18-May-2002	Reminder	23-May-2002
2nd EOT Due - 1 week	24-May-2002	Reminder	19-Feb-2002
MP 2nd EOT Due	31-May-2002	Due Date	19-Feb-2002
RA-Report to Client Due	03-Jun-2002	Due Date	23-May-2002
3rd EOT - 2 weeks	14-Jun-2002	Reminder	19-Feb-2002
Foreign Filing - 6 months	17-Jun-2002	Reminder	11-Dec-2002
MP Filed - Status Check	19-Jun-2002	Status	04-Apr-2002
3rd EOT Due - 1 week	23-Jun-2002	Reminder	19-Feb-2002
Filed - Corrected FR Due	25-Jun-2002	Status	29-Mar-2002
MP 3rd EOT Due	30-Jun-2002	Due Date	19-Feb-2002
4th EOT - 2 weeks	14-Jul-2002	Reminder	19-Feb-2002
4th EOT Due - 1 week	24-Jul-2002	Reminder	19-Feb-2002
MP 4th EOT Due	31-Jul-2002	Due Date	19-Feb-2002
5th EOT Due - 2 weeks	14-Aug-2002	Reminder	19-Feb-2002
5th EOT Due - 1 week	24-Aug-2002	Reminder	19-Feb-2002
Recordation Due	25-Aug-2002	Status	05-Mar-2002
MP - 5th EOT Due - FINAL	31-Aug-2002	Final	19-Feb-2002
Foreign Filing - 3 month	17-Sep-2002	Reminder	11-Dec-2002
Instructs due from Maine Med	12-Oct-2002	Due Date	11-Dec-2002
Foreign Filing - 1 month	17-Nov-2002	Reminder	11-Dec-2002
NO FOLLOW UP DATE	23-Nov-2002	Status	23-May-2002
Foreign Filing - 2 week	02-Dec-2002	Reminder	11-Dec-2002
Instructs due from Maine Med	10-Dec-2002	Due Date	10-Dec-2002
Foreign Filing - 1 week	10-Dec-2002	Reminder	11-Dec-2002
12 month Status Check	17-Dec-2002	Status	17-Dec-2002
Foreign Filing - Due	17-Dec-2002	Final	11-Dec-2002
PCT ISR rcd Check Ids	15-Jun-2003	Due Date	16-Jun-2003
18 month Status Check	17-Jun-2003	Status	17-Jun-2003
Awaiting notice of abandonment	05-Jul-2003	Due Date	03-Jul-2003
File Pet to Revive -	08-Jul-2003	Reminder	

Country Application

22-Jul-03

PCT ISR rcd Check IDS	15-Jul-2003	Due Date	15-Jul-2003
File Status Inquiry - 19 mo	17-Jul-2003	Status	24-Jun-2003
Petition to Revive- 6wks	21-Jul-2003	Reminder	
Petition to Revive- 1month	01-Aug-2003	Reminder	
PCT ISR rcd CHECK IDS	15-Aug-2003	Due Date	
Petition to Revive - 2wks	18-Aug-2003	Reminder	
Petition to Revive - 1week	25-Aug-2003	Status	
Petition to Revive - tomorrow	31-Aug-2003	Due Date	
Petition to Revive	01-Sep-2003	Final	

Remarks: Notice of Abandonment dated 7/1/03 rcd inphilly;
6/30/03 fax from pto enc 1 mo RR dated 11/6/02 (not docketed) awaiting notice of abandonment;
6/24/03 call from examiner, will issue abandonment, advise to file withdrawl of holding of abandonment, will fax PP.

User ID: judy

Date Created: 30-Aug-2001

Last Update: 18-Jul-2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,554	12/17/2001	Thomas Maciag	54474-5005	3856

28977 7590 07/01/2003

MORGAN, LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA, PA 19103-2921

EXAMINER

ANGELL, JON E

ART UNIT

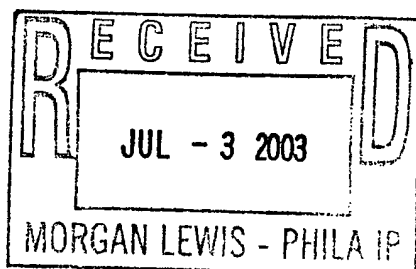
PAPER NUMBER

1635

9

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Docketed 7/3/03 Attorney LMA
Case 54474-5005
Due Date 9-1-03
Action Petition to Revoke
By SJL Chk 201

Notice of Abandonment

Application No.

10/022,554

Examiner

J. Eric Angell

Applicant(s)

MACIAG ET AL.

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 November 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

J. Eric Angell

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: Racquel Alvarez was contacted on 6/23/03. Ms. Alvarez indicated that no restriction requirement was ever received by Applicants; therefore, no response was ever submitted. Ms. Alvarez was informed that the application was abandoned because no reply had been submitted. Ms. Alvarez was also informed that Applicants had two (2) months from the mailing date of the notice of abandonment to timely file a petition (see CFR 1.181 (f)). Furthermore, Ms. Alvarez was directed to MPEP 711.03 (c), sections I and II for guidance on filing a proper petition. The Examiner agreed to fax a copy of the restriction requirement in order to expedite prosecution.



DAVE T. NGUYEN
PRIMARY EXAMINER